



**ZONING BOARD OF APPEALS
AGENDA
Monday, April 8, 2024**

**Decatur City Hall
City Commission Meeting Room
509 North McDonough Street
7:30 P.M.**

I. Call to Order

II. Approval of Minutes

Approval of Minutes from the February 12, 2024, meeting.

Approval of Minutes from the March 11, 2024, meeting.

III. Old Business

- A. ~~Derek Bigham, property owner, has applied for a variance from setback and height requirements for the property located at 102 5th Avenue, Decatur, GA 30030. This item has been redacted per its approval at the March 11th ZBA Meeting.~~

IV. New Business

- A. Matthew Morton, agent, has applied for a variance from the setback requirements for the properties located at 608, 612, 616, 620 Commerce Drive, Decatur GA 30030.

V. Reports and Other Business

None

VI. Adjourn

VARIANCE APPLICATION

Planning & Zoning

2635 Talley Street
Decatur, GA 30030
Phone 404-377-6198
Fax 404-378-5054



Attach a survey of the property drawn to scale and showing the following information. Please provide one full-size copy of all plans, as well as one copy of all plans in an 8½" x 11" format. It is helpful to show floor plans and elevations of proposed building improvements, as well as a letter of support from adjacent property owners. If the applicant is not the current property owner, provide a notarized authorization for this application from the current property owner. See the stream variance submittal checklist for additional requirements for stream variances.

1. all property lines with dimensions
2. location of buildings and other structures, creeks and easements referenced to property lines
3. north arrow, scale, lot and block numbers and land lot
4. topographic and drainage information if pertinent

Address of property 612 Commerce Dr Decatur, GA 30030

Name of applicant Matthew Morton Phone 508-314-2665

Address 1056 Standard Dr NE, Brookhaven GA 30319 City/state/ZIP 30319

Email matthew.adam.morton@gmail.com

Name of property owner Commerce Fine Homes LLC Phone 508-314-2665


Address 1056 Standard Dr NE, Brookhaven GA 30319 City/state/ZIP 30319

Current zoning of property R-60

.....
Please answer all of the following questions on a separate sheet.

1. What is the variance requested? What code requirement do you wish to vary from?
2. What are the special conditions relating to the specific piece of property in question (narrowness, shallowness, shape, topography, or other extraordinary and exceptional situation)?
3. Explain how the application of the zoning ordinance to this specific piece of property results in peculiar, extraordinary and practical difficulties?
4. Are the circumstances or conditions applying to the building or land in question peculiar to the premises? Do they apply generally to other land or buildings in the vicinity?
5. Explain why the granting of this variance is necessary for the preservation and enjoyment of a property right and does not merely serve as a convenience to the applicant.
6. Did the condition for which the variance is sought result from an action by the applicant?
7. Explain how the variance will affect the supply of light and air to adjacent property, the traffic on public streets, the danger of fire, the public safety and established property values.
8. Explain how the granting of the variance will be in harmony with the general purpose and intent of the Decatur land use plan.
9. Will the granting of the variance allow a structure or use in a district restricted against such structure or use?

.....
I hereby certify that the above and attached statements and documents are true to the best of my knowledge and belief.

Applicant signature  Date 2/1/2024

Variance Application

608, 612, 616, and 620 Commerce Dr
Decatur, GA 30030

1. What is the variance requested? What code requirement do you wish to vary from?

The requested variance is a reduction of the front setback from 30 feet (under R-60 zoning) to 5 feet and the side setbacks to 5 feet on each side of the property.

2. What are the special conditions relating to the specific piece of property in question (narrowness, shallowness, shape, topography, or other extraordinary and exceptional situation)?

608, 612, and 616 Commerce Dr are all only 70 feet deep. In addition, the lots are heavily wooded, particularly in the rear of the lots. The combined shallowness of the lots and location of trees makes it difficult to have sufficient space to build a livable structure on each lot.

3. Explain how the application of the zoning ordinance to this specific piece of property results in peculiar, extraordinary and practical difficulties?

Combined with the shallowness of the lots and the position of trees, the existing setbacks under the R60 zoning and the tree preservation ordinances do not allow sufficient space to build a livable structure.

4. Are the circumstances or conditions applying to the building or land in question peculiar to the premises? Do they apply generally to other land or buildings in the vicinity?

The circumstances are unique to these lots. The only other structure on Commerce Dr on the block currently has a 10 foot setback from Commerce Dr. There are no other lots within the immediate vicinity known to have this circumstance.

5. Explain why the granting of this variance is necessary for the preservation and enjoyment of a property right and does not merely serve as a convenience to the applicant.

Without the variance the lots are functionally unbuildable meaning the lots cannot be used for their residential purpose. The ability to use a residential lot for residential purposes is a fundamental property right that is lacking without this variance.

6. Did the condition for which the variance is sought result from an action by the applicant?

No. The lots have been in this configuration for a long time. The current lot configuration is the result of eminent domain, which reduced the lot depth by 30 feet, taking the front 30 feet of the property to expand Barry Street/Commerce Drive.

7. Explain how the variance will affect the supply of light and air to adjacent property, the traffic on public streets, the danger of fire, the public safety and established property values.

A change to the front setback should provide better light and air flow for the adjacent properties as it will provide more space between structures than the current setbacks allow. It will not create any substantial change to traffic, fire risk or public safety. The change to the setback enabling use of the land with subsequent construction should help increase neighboring property values.

8. Explain how the granting of the variance will be in harmony with the general purpose and intent of the Decatur land use plan.

There is only one other building on the block on Commerce Dr which currently has a 10 foot setback. Continuing beyond the nearest intersection, there are townhouses on the immediate next block that have a setback of 10 feet or less. Granting this setback will create harmony and a unified visual appeal to the block. The intended structures to be built match the current zoning and the addition of residential structures will complete the block improving the neighborhood feel within the city center.

In addition to providing harmony with the existing structures on the street there are four main benefits to reduced setbacks

- I. A reduced setback will enable better tree preservation, allowing construction further from existing trees.
- II. A reduced setback enables construction closer to the slope, which combined with the intended use of a basement structure, will lead to reduced land disturbance when building the basement
- III. Building closer to the street increases the buffer space between the rear neighbors, reducing noise and other disturbance for adjacent properties
- IV. Studies have shown that buildings closer to the street promote walkability and an improved cityscape by providing "eyes on the street" and creating a more urban cityscape. This will support pedestrian safety and promote walkability in the area.

9. Will the granting of the variance allow a structure or use in a district restricted against such structure or use?

No. There are no structures or uses planned in a district restricted against such structure or use.

Letter of Intent
In Support of Request for Variance
608, 612, 616, and 620 Commerce Dr, Decatur GA 30030

This Letter of Intent is in support of the request for a variance to the front and side setback requirements for the lots at 608, 612, 616 and 620 Commerce Dr. The intention is to build a 4-unit Walk Up Flat on 620 Commerce Dr, a Duplex on 616 Commerce Dr, and a 4-unit Walk Up Flat on the combination of 608 and 612 Commerce Dr. Under the current R-60 zoning the front setback of 30 feet and the side setback is 10 feet. These lots are also heavily wooded. In an effort to preserve trees, minimize the impact to the rear neighbors, and allow sufficient buildable space we are seeking to reduce the front and side setbacks to 5 feet.

The lots at 608, 612, and 616 Commerce Dr face a unique set of circumstances. Having given the front 30 feet of the lots to the conversion/expansion of Barry Street to Commerce Dr, they do not have sufficient space to build a liveable structure with the existing setbacks. Within the immediate cross-streets, there is only one other building on the block on Commerce Dr which currently has a 10 foot setback. Immediately to the south of the intersection at E. Ponce De Leon Ave there is a row of townhouses with a 5 foot setback from Commerce Dr and a 0 foot side setback from E Ponce de Leon Ave. Granting this setback will create harmony and a unified visual appeal to the block. The intended structures to be built match the current zoning requirements and the addition of residential structures will complete the block improving the neighborhood feel within the city center.

Developers have previously sought to change the zoning, increase density and increase building height. This would require significant land disturbance, would impact many of the trees on the lots, and create a greater disturbance to adjacent properties. In contrast, our proposed structures, with the requested variance, will have a positive impact on the neighborhood and environment. The four key benefits are:

- I. Better tree preservation, allowing construction further from the existing trees. Our goal is to maintain the existing canopy as much as possible, in alignment with the City of Decatur's goals. The trees are primarily located at the rear of the lot. Reducing the front and side setback to allow buildings to be built closer to the street will enable significantly more trees to be protected.
- II. Reduced land disturbance will be made possible with a reduced setback that allows construction closer to the slope, further reduced with the intended use of a basement structure.
- III. Maintained buffer between the rear neighbors, reducing noise and other disturbances for adjacent properties. Maintaining the buffer and preserving trees will reduce disturbance between properties and improve privacy.
- IV. Improved walkability and cityscape. Studies have shown that buildings closer to the street promote walkability and an improved cityscape by providing "eyes on the street"

and creating a more urban cityscape. This will support pedestrian safety and promote walkability in the area.

In addition to the above reasons, new construction, increased walkability, and an improved cityscape have a history of increasing property values for the neighborhood. As a result, this project will support an overall increase in property value and tax base created by the improvements.

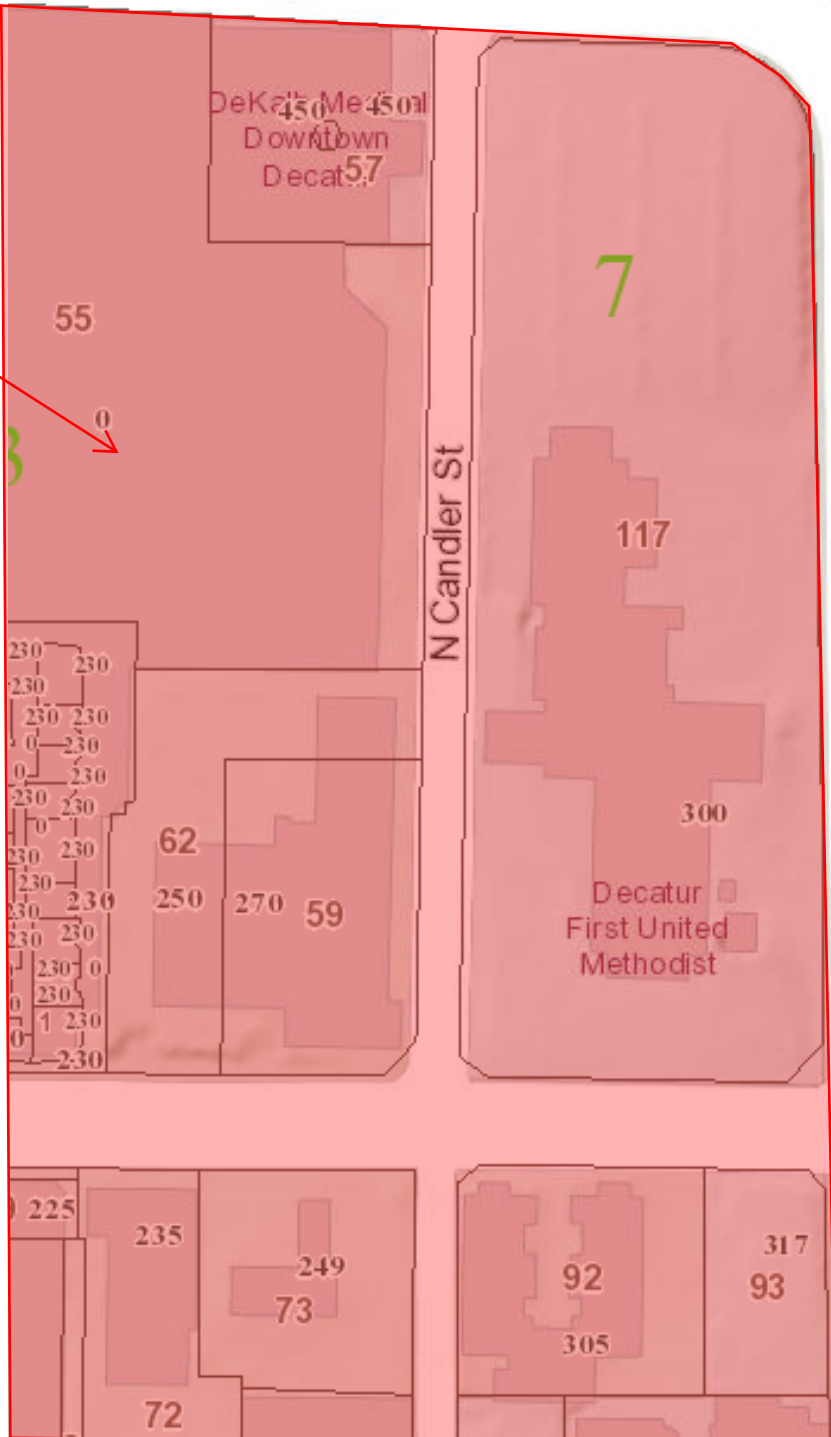
Thank you for your consideration.

Respectfully submitted,

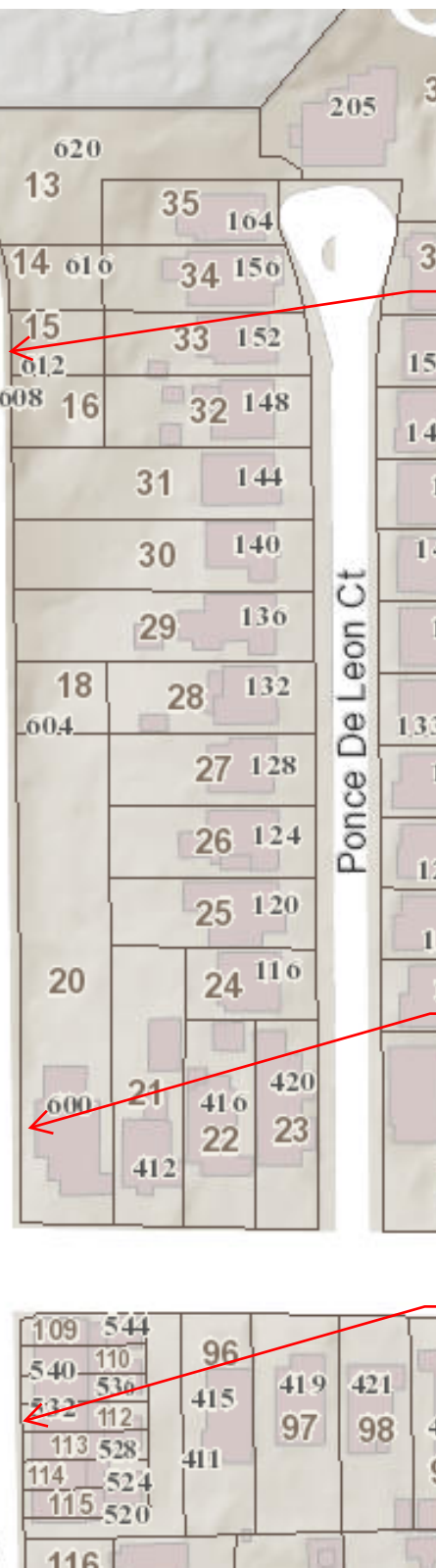
Matthew Morton
Commerce Fine Homes LLC

Commerce Dr

DeKalb
Downtown
Decatur



Downtown
Decatur
special
pedestrian
area



Propose 5 ft set back
for street-scape
continuity, also
promoting pedestrian
walk-ability

Existing house with
10 ft set back

Existing townhouse
with 0 ft set back

Dr

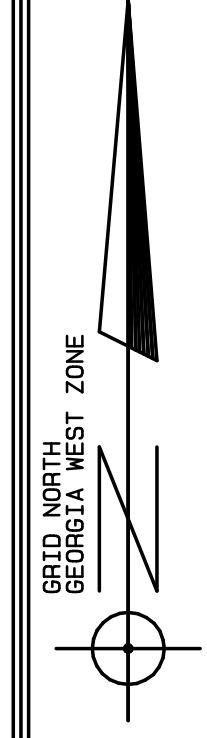
SURVEYOR'S CERTIFICATE

This Plat is a retracement of an existing parcel or parcels of land and does not subdivide or create a new parcel or make any changes to any real property boundaries. The recording information of the documents, maps, plats, or other instruments which created the parcel or parcels are stated hereon. RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. Furthermore, the undersigned land surveyor certifies that this plat complies with the minimum technical standards for property surveys in Georgia as set forth in the rules and regulations of the Georgia Board of Registration for Professional Engineers and Land Surveyors and as set forth in O.C.G.A. Section 19-6-67.

Gilbert E. Guinones
GILBERT E. GUINONES, R.L.S.
 GA. R.L.S. Number 2810

AREA = 25,834 SQ.FT.
0.5931 ACRES
ZONED: R-60

- UTILITY LEGEND**
- FIRE HYDRANT
 - GAS VALVE
 - LIGHT POLE
 - POWER POLE
 - WATER VALVE
- TREE LEGEND**
- CEDAR
 - CHERRY
 - ELM
 - HEMLOCK
 - HOLY
 - CHERRY LAUREL
 - MAGNOLIA
 - OAK
 - PINE
 - SWEETGUM
 - PRIVET
 - EVERGREEN
 - HARDWOOD



GENERAL NOTES

- The field data upon which this plat is based has a closure precision of one foot in 17,578 feet and an angular error of 8.0 seconds per angle point and was adjusted using the Compass Rule.
- This plat has been calculated for closure and is found to be accurate within one foot in 128,586 feet.
- Field information for this survey was obtained with a GeoMax Zoom 90 Robotic Total Station Theodolite equipped with an Electronic Data Collector, complemented by GPS technology using the eGPS (RTN) Surveying Network.
- This property lies in a Zone X, which is not a Special Flood Hazard Area per the FLOOD INSURANCE RATE MAP for DeKalb County, Georgia, as delineated in Community Panel Number 13089C0068K bearing an Effective date of August 15, 2015.
- All Boundary Monuments set are #4 rebars bearing a cap with the Georgia Registration Number (LS 2810) of the Land Surveyor whose Seal appears on this Plat.
- The source of bearings on this Survey are based on the Georgia State Plane Coordinates System West Zone.
- Existing utilities shown are based on visual observations by the survey crew only. There may be others not shown hereon. The "BEFORE YOU DIG" utility search company should be contacted prior to any construction done on this site. The Engineer assumes no responsibility for the locations of any underground utilities not visible.
- This survey was made without the benefit of a current Title Commitment, Easements, and Encumbrances may exist which benefit and/or burden this property.
- This property lies in Land Lot 246 of DeKalb County, Georgia's 15th Land District and within the City of Decatur.
- Based on the best available information this property is zoned R-60 (SINGLE FAMILY RESIDENTIAL DISTRICT) and is subject to the following Development Standards:
 Minimum Lot Area: 7,500 Square Feet
 Minimum Lot Width: 60 Feet
 Minimum Lot Depth: 120 Feet
 Maximum Height:
 Principal Building: 2 stories 35 Feet
 1 story Accessory: 16 Feet
 2 story Accessory: 25 Feet
 Building Setbacks:
 Front Yard: 30 feet
 Side Yard: 10 Feet
 Rear Yard: 30 Feet
 Note: The complete City of Decatur Zoning Ordinance can be found online at www.municode.com
- Property References:
 Deed Book 19330, Page 228
 Plat Book 8, Page 93
 Plat Book 13, Page 125
- A Topographic Survey's major purpose is the determination (relief) of the surface of the earth (ground) and the location of natural and artificial objects thereon.
- Existing Topographic information from a field survey dated January 20, 2024.
- This Topographic Survey complies with the United States National Map Accuracy Standards. Vertical accuracy, as applied to contour maps on all publication scales, shall be such that not more than 10 percent of the elevations tested shall be in error by more than one-half the contour interval.

AREA SUMMARY

608 Commerce Drive	3,501 Sq.Ft.
612 Commerce Drive	3,151 Sq.Ft.
616 Commerce Drive	3,181 Sq.Ft.
620 Commerce Drive	15,999 Sq.Ft.

CURVE TABLE

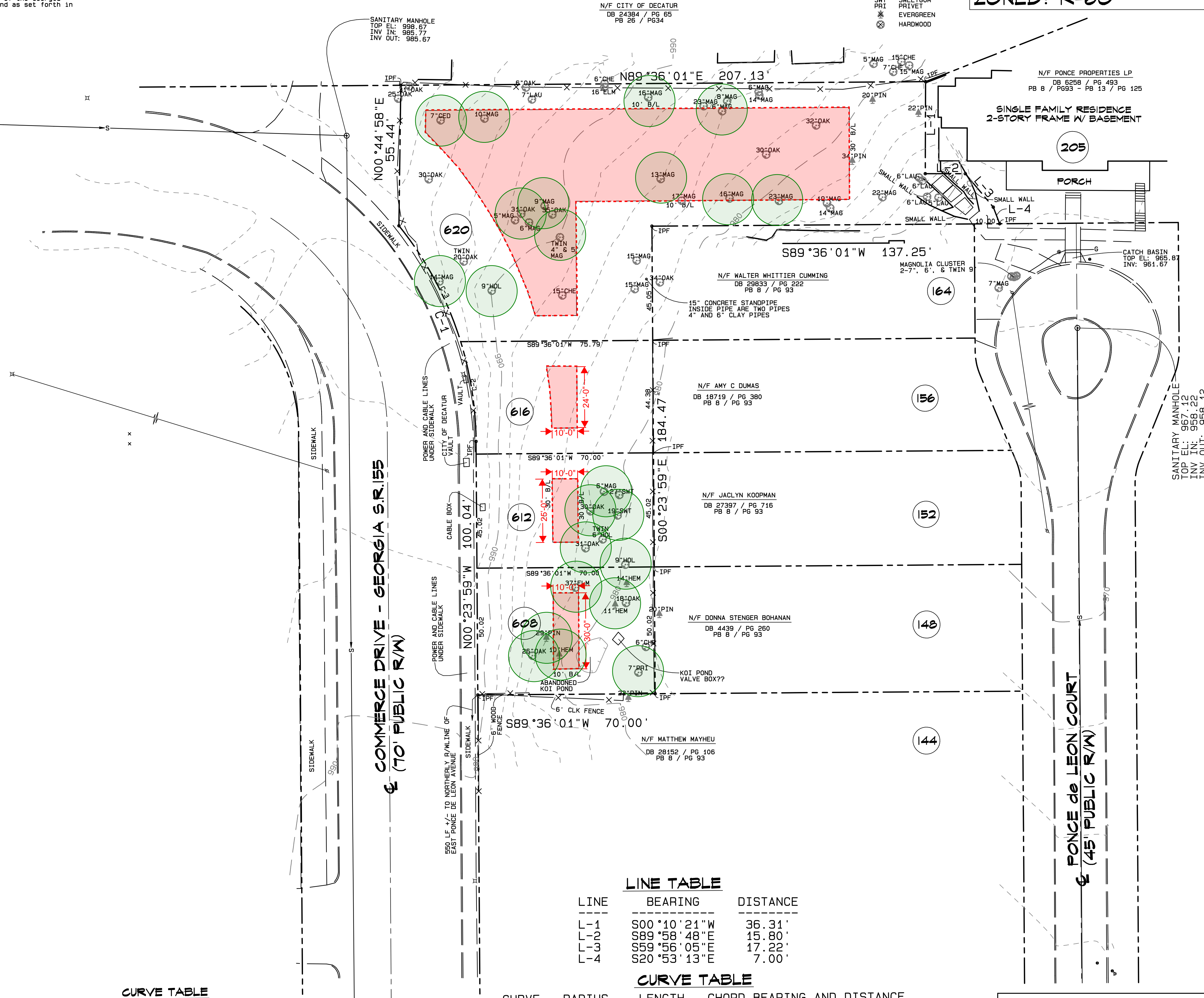
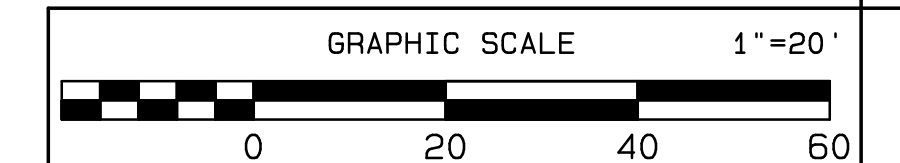
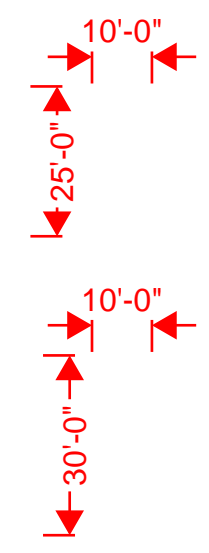
CURVE	RADIUS	LENGTH	CHORD BEARING AND DISTANCE
C-2	136.75'	39.95'	N08°46'04"W 39.80'
C-3	136.75'	52.12'	N28°03'20"W 51.81'

LINE TABLE

LINE	BEARING	DISTANCE
L-1	S00°10'21"W	36.31'
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GILBERT E. GUINONES
 GA. R.L.S. # 2810

BOUNDARY, TOPOGRAPHIC, AND TREE SURVEY

MATTHEW MORTON AND SHINAN GIU
 1056 Standard Drive N.E.
 Brookhaven, Georgia 30319
 (508) 314-2665
 E-Mail: matthew_adam_morton@gmail.com

CONSULTING CIVIL AND LAND SURVEYOR
 1093 Hannaford Lane
 Johns Creek, Georgia 30097
 (678) 775-9489
 E-Mail: gilbertgeorge@atcshyaho.com

DATE	REVISIONS	DESCRIPTION	DATE
01-21-2024	1	CLIENT COMMENTS	1-28-24
	2	ADDED TREES	1-28-24
	3	REVISIONS / FIELD CHECK	2-04-24
	4	CLIENT COMMENTS	2-08-24
	5	CLIENT COMMENTS	2-19-24

SHEET 1 OF 1
 DRAWING NO. 23-073-S-1
 DEKALB COUNTY, GA.

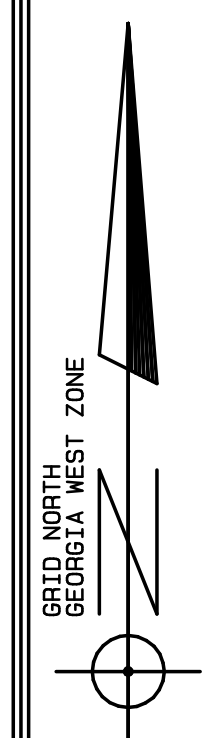
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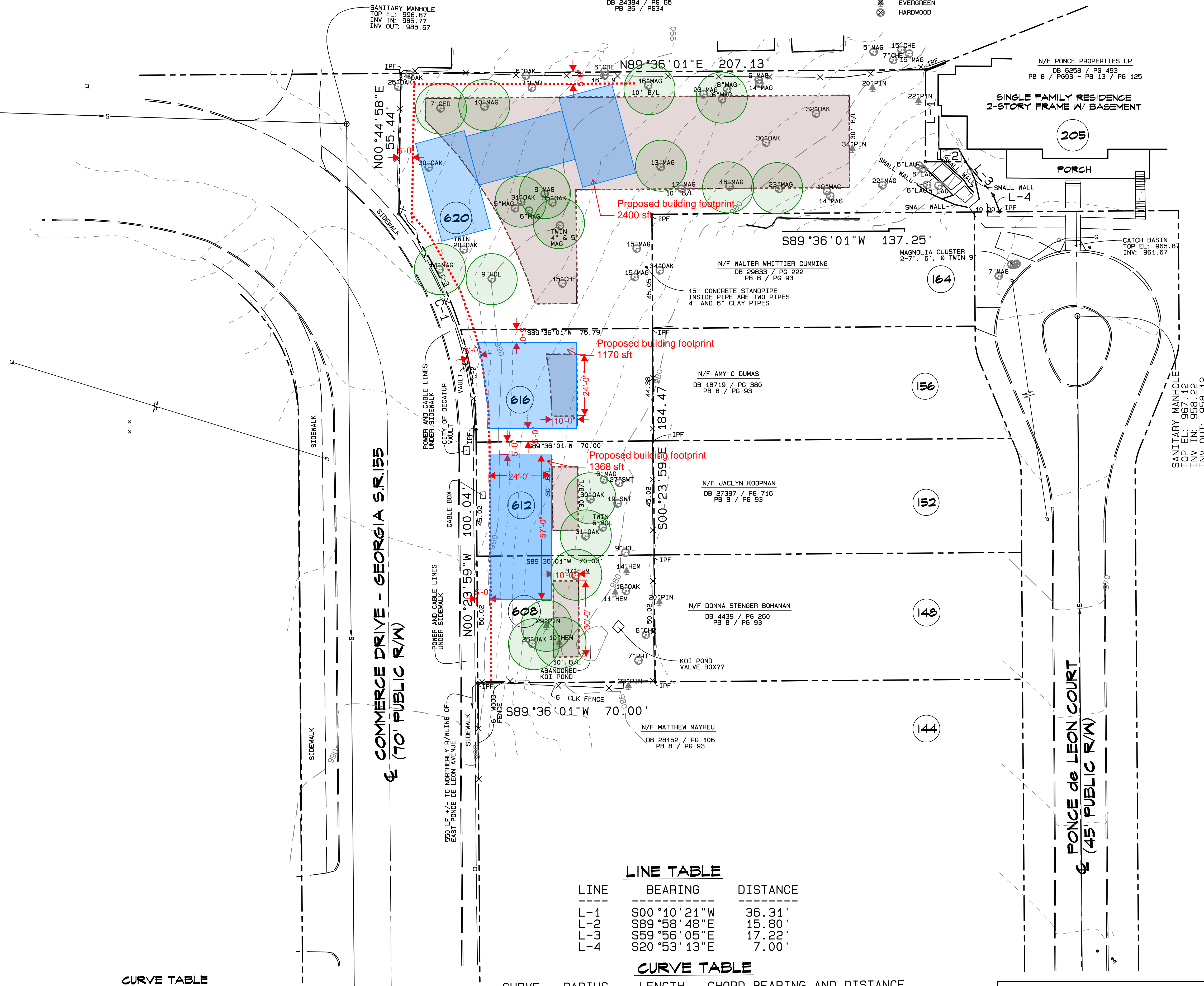
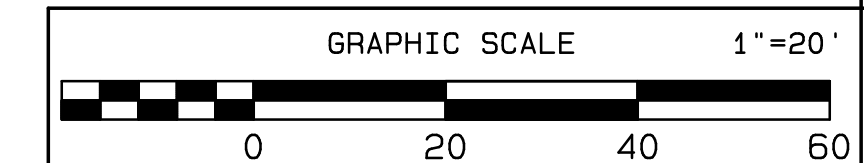
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REVISIONS

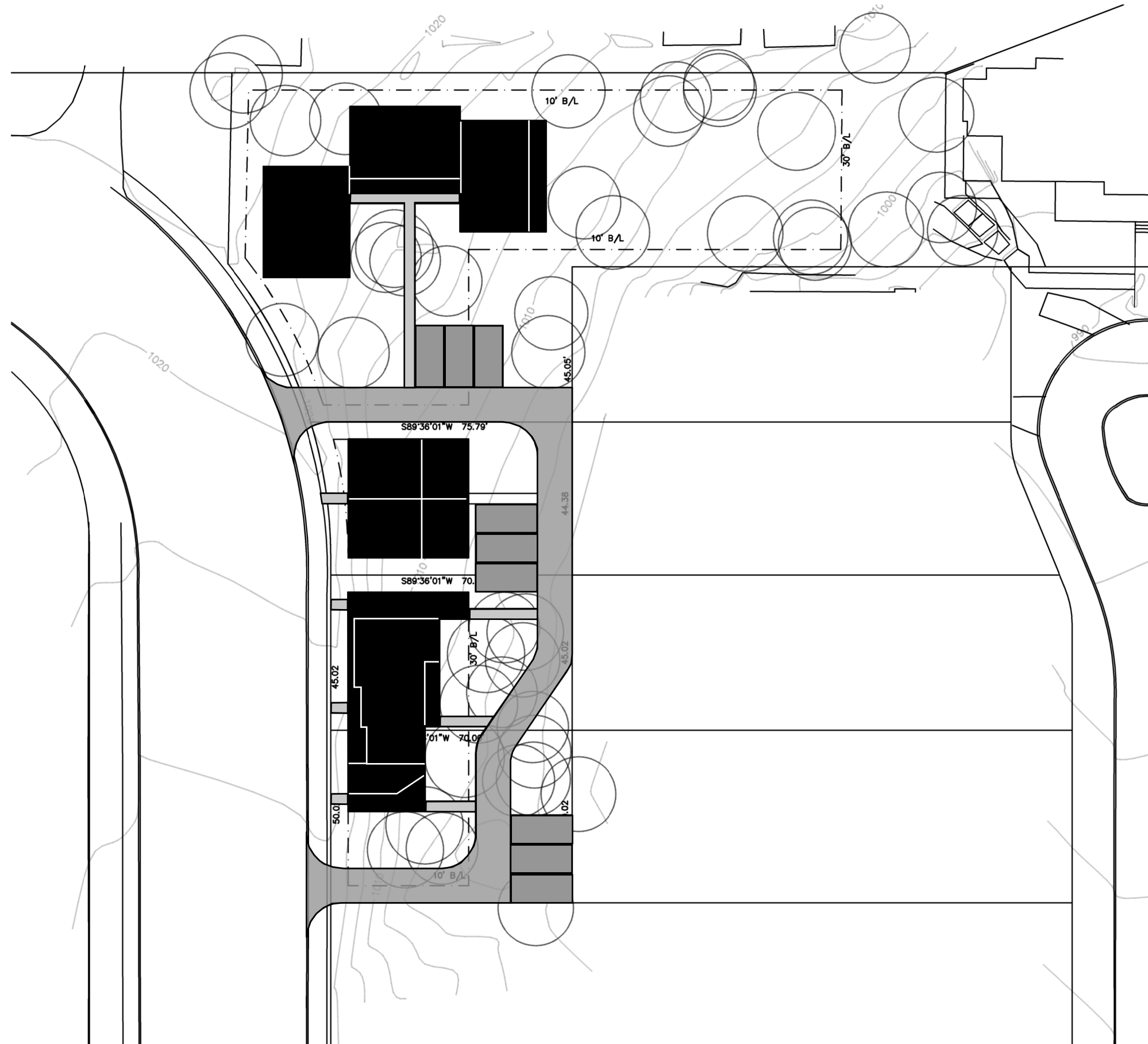
DATE: 01-21-2024
 SCALE: 1"=20'
 DRAWN: G.E.G.
 DESIGNED: G.E.G.
 CHECKED: G.E.G.
 LAND LOT: 246
 15TH LAND DISTRICT
 DEKALB COUNTY, GA.

CONSULTING CIVIL ENGINEER AND LAND SURVEYOR
GEORGE
 1093 Hannaford Lane
 Johns Creek, Georgia 30097
 (678) 775-9489
 E-Mail: g1bert@georgiatech@yahoo.com

BOUNDARY, TOPOGRAPHIC, AND TREE SURVEY
608, 612, 616, AND 620 COMMERCE DRIVE

SHEET 1 OF 1

DRAWING NO. 23-073-S-1



BUILDING A - 4 UNITS

FOOTPRINT	2400 SFT
ABOVE GRADE	4800 SFT
BASEMENT	1800 SFT
EACH UNIT	1600 SFT
STORIES	2

BUILDING B - 2 UNITS

FOOTPRINT	1200 SFT
ABOVE GRADE	1250 SFT
BASEMENT	1200 SFT
EACH UNIT	1225 SFT
STORIES	2

BUILDING C - 4 UNITS

FOOTPRINT	1640 SFT
ABOVE GRADE	2660 SFT
BASEMENT	1640 SFT
EACH UNIT	1075 SFT
STORIES	2

CONCEPTUAL SITE PLAN
1/32"=1'-0"

UNIT A				
	Zoning Requirement	Proposed	Proposed program	Proposed sft
Lot Size	15999			
Lot Coverage	6400	3892	Building footprint	2400
			Parking	1236
			Path	256
Lot Disturbance	8000	3892		
Floor Area Max	6400	4800	Above grade	4800
			Basement	1600
Building height	2 stories/ 35' max	2 stories+basement		
Rear setback	30'	30'		
Front setback	30'	5'		
Side interior setback	10'/ 7.5'	5'/5'		

UNIT B				
	Zoning Requirement	Proposed	Proposed program	Proposed sft
Lot Size	3181			
Lot Coverage	2131	2056	Building footprint	1200
			Parking	772
			Path	84
Lot Disturbance	2664	2340		
Floor Area Max	1272	1250	Above grade	1250
			Basement	1200
Building height	2 stories/ 35' max	2 stories + basement		
Rear setback	30'	30'		
Front setback	30'	5'		
Side interior setback	10'/ 5'	5'/5'		

MEETS CURRENT ZONING REQUIREMENTS

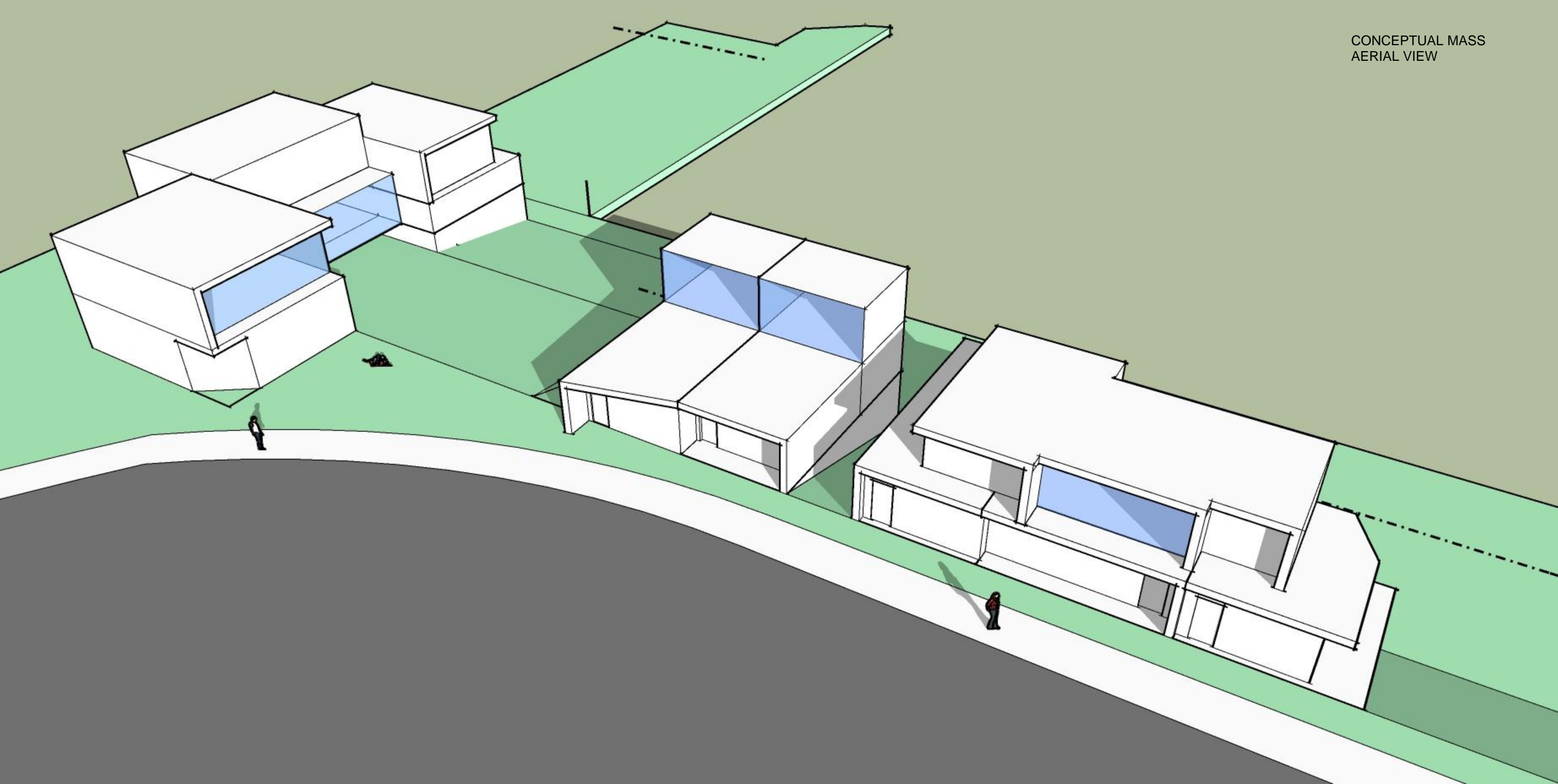
VARIANCE APPLIED

UNIT C				
	Zoning Requirement	Proposed	Proposed program	Proposed sft
Lot Size	6652			
Lot Coverage	3459	3246	Building footprint	1640
			Parking	1408
			Path	198
Lot Disturbance	4324	3534		
Floor Area Max	2661	2660	Above grade	2660
			Basement	1640
Building height	2 stories/ 35' max	2 stories+basement		
Rear setback	30'	30'		
Front setback	30'	5'		
Side interior setback	10'/ 5'	5'/5'		

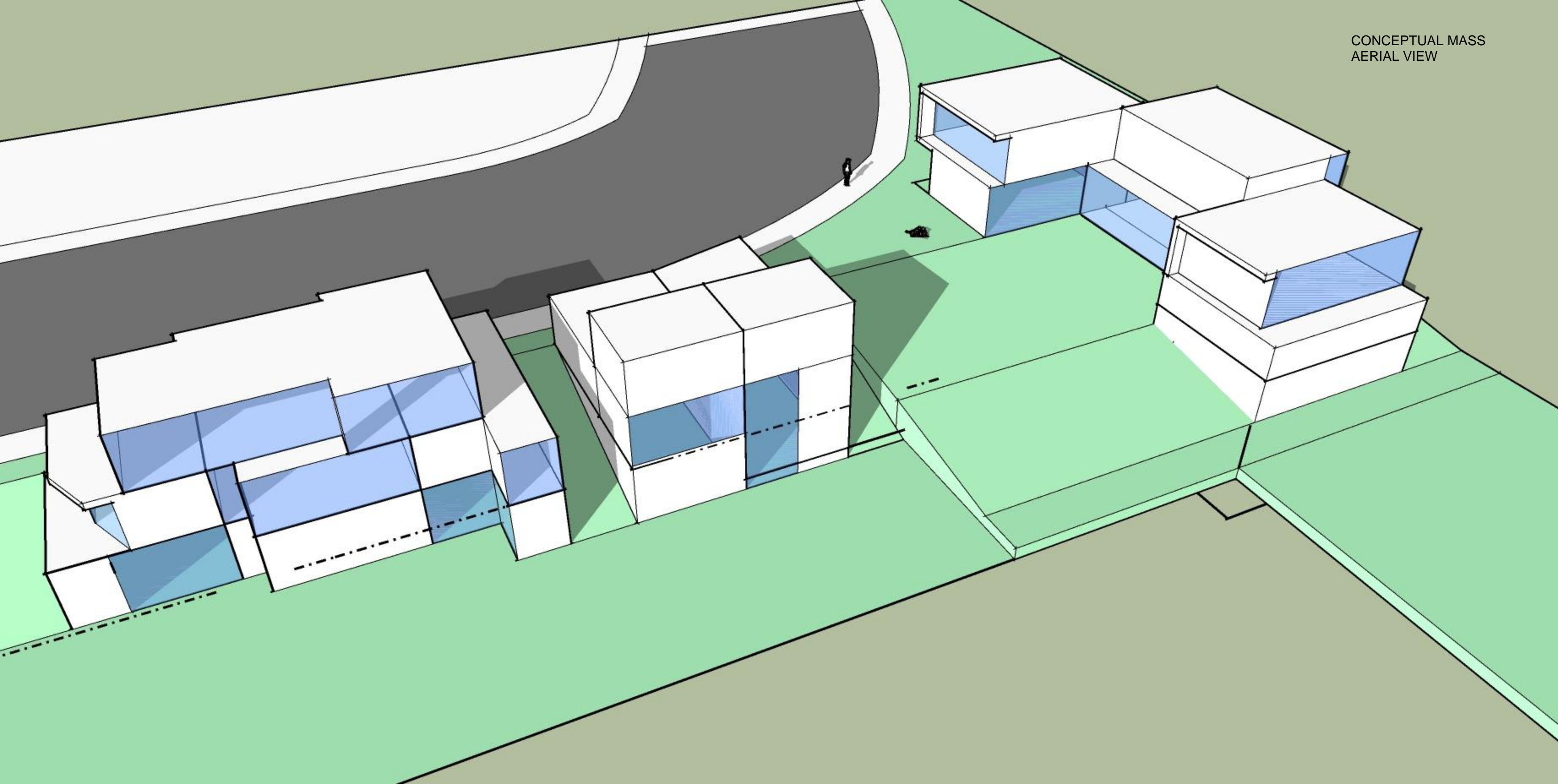
MEETS CURRENT ZONING REQUIREMENTS

VARIANCE APPLIED

CONCEPTUAL MASS
AERIAL VIEW

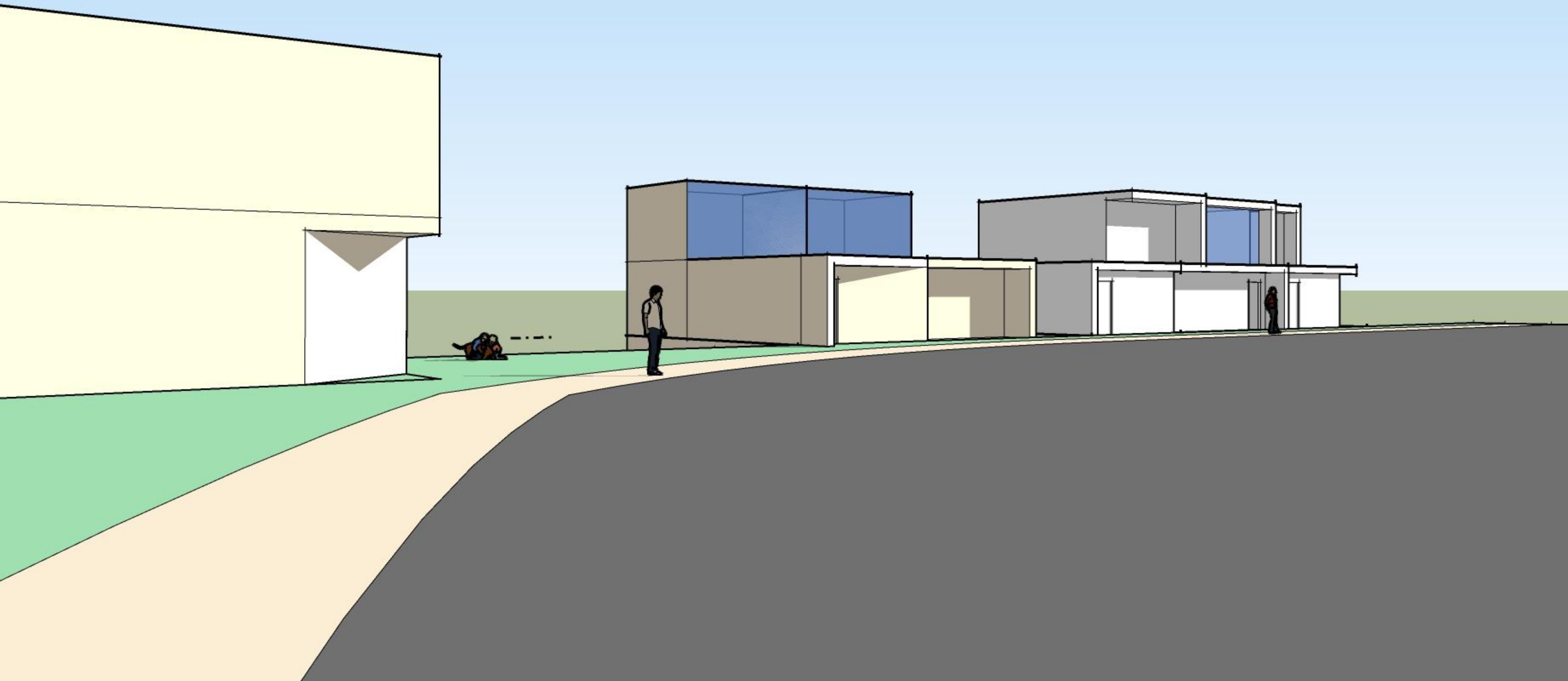


CONCEPTUAL MASS
AERIAL VIEW

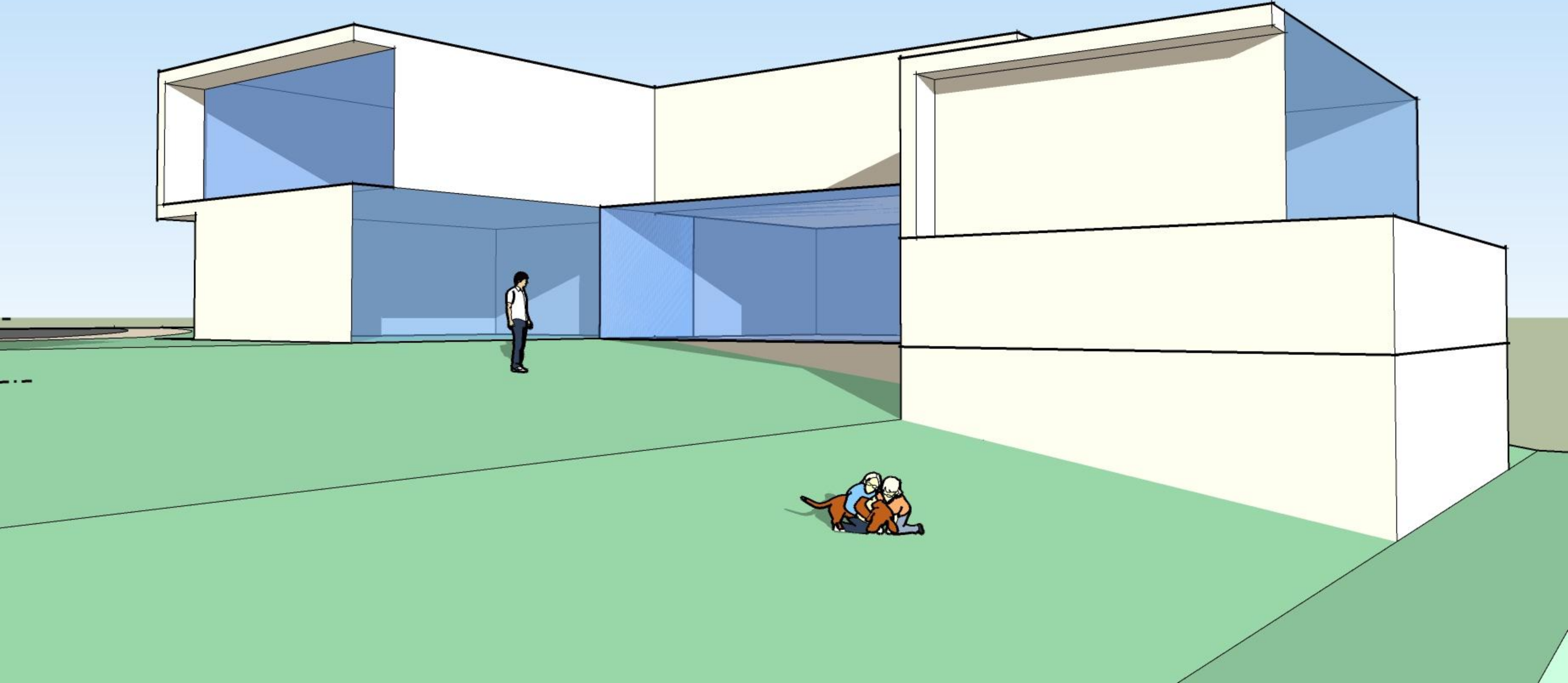


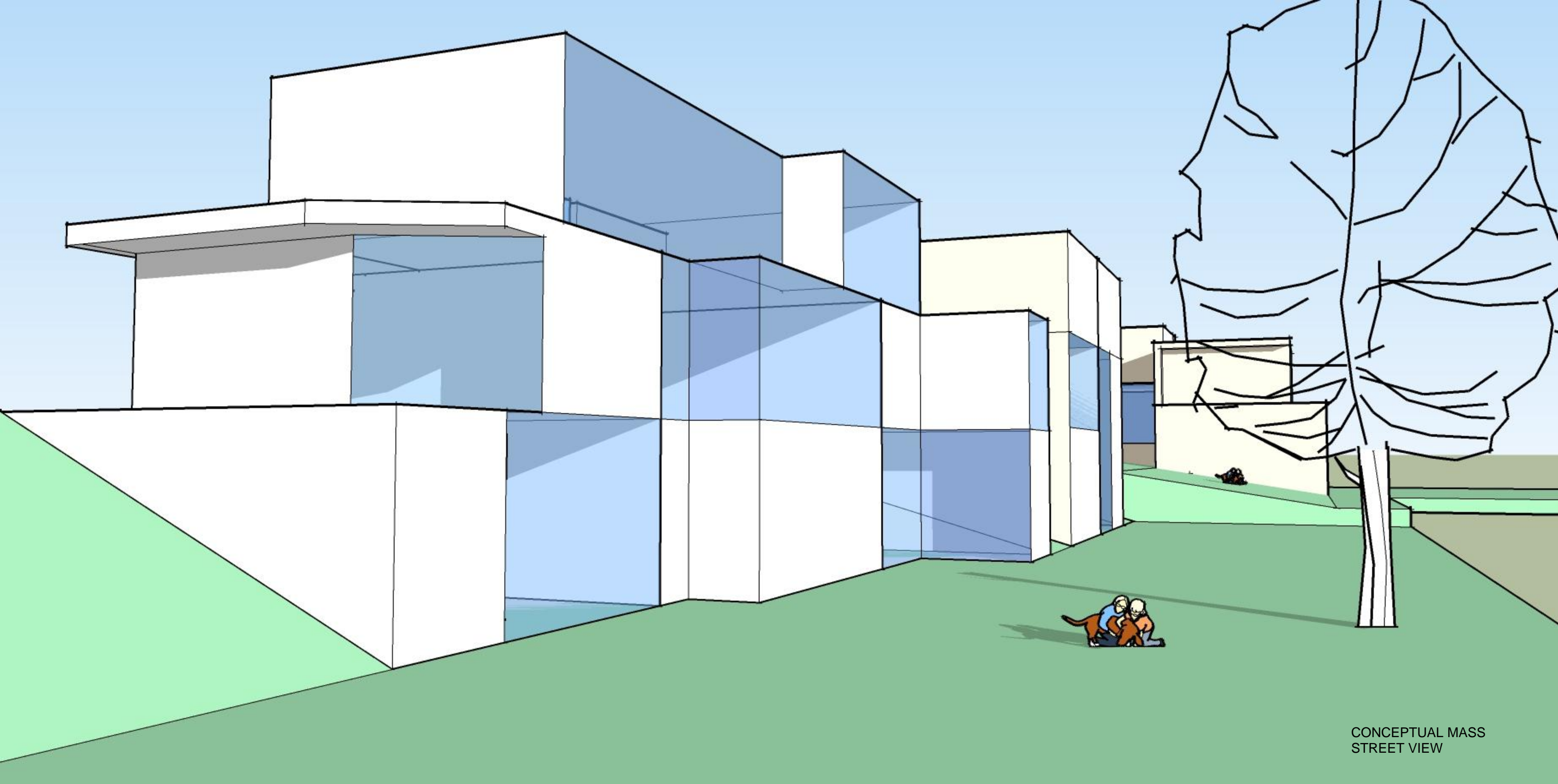
CONCEPTUAL MASS
STREET VIEW





CONCEPTUAL MASS
STREET VIEW





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